IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 3513 of 1997

Between:

1 Kesa Madhavasen Gupta S/o.Muralidhar Rao
Netaji Market, Kothagudem ,
Khammam District.
2Kesa Muralidhar Rao S/o. Mallaiah
Netaji Market, Kothagudem,
Khammam District.

..... PETITIONERS

AND

1 The A.P. Housing Board, Reptd. By Vice Chairman & Housing Commissioner,
Gruhakalpa,
Hyderabad.
2 Executive Engineer (Housing) A.P. Housing Board,
Warangal Division, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of Mandamus directing the respondents herein to pay the compensation to the petitioners for the lands extents of Ac. 0.12 gts in Sy.No.149/2 and Ac.1.09 gts in Sy.Nos.149/3 situated in Chunchupally Village, Kothagudem Mandal,Khammam District.

Counsel for the Petitioner:MR.R.KAMESWAR RAO

Counsel for the Respondents: MR.BH.R.CHOWDARY, S.C. FOR APHB & GOVT. PLEADER FOR LAND ACQUISITION.

The Court made the following :

ORDER:

Heard the counsel.

The writ petition is filed praying for writ of mandamus directing the respondents to pay compensation to the petitioners for the lands extents of Ac.0.12 guntas in Survey No.149/2 and Ac.1.09 guntas in Survey Nos.149/3, Chunchupally Village, Kothagudem Mandal,Khammam District and pass other suitable orders.

It is stated that the petitioners are the owners of lands in Survey Nos. 149/2 and 149/3 extents of Ac.1.12 guntas and Ac.2.27 guntas respectively in Chunchupally Village, Kothagudem Mandal, Khammam District and the lands stand in the name of the grand mother of the petitioner late Kesa Narasamma and after the death of his grand mother, they had succeeded to the land and absolute owners and possessors of lands and patta pass book was also issued by the Mandal Revenue Officer,Kothagudem. It is also stated that housing colony by the Housing Board had been constructed inclusive of land of the petitioner in an extent of Ac.0-12 guntas in Survey No.149/2 and and Ac.1-09 guntas in Survey No.149/3 of the aforesaid village and the said construction had been taken illegally. The petitioner also sent notice on 16-1-1995 through Advocate and no reply was given.

The grievance of the petitioner is that without following the procedure and without taking decision in accordance with law, the land had been taken away without payment of any compensation.

In view of the facts and circumstances explained in the affidavit filed in support of the writ petition in detail, the respondents are hereby directed to conduct an enquiry in relation to the unauthorized construction said to have been made by the Housing Board in the lands specified supra and decide just compensation in accordance with law within a period of three months from the date of receipt of a copy of the order.

The writ petition is accordingly disposed of with the direction specified supra. No costs.

21-12-2004

Stp

To

1 The A.p. Housing Board, Reptd. By Vice Chairman & Housing Commissioner,
Gruhakalpa,
Hyderabad.
2 Executive Engineer (Housing) A.P. Housing Board,
Warangal Division, Warangal.

3.2CCs to G.P. for Land Acquisition,A.P.High Court Buildings,Hyd.(OUT)

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